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6
7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

-oOo-

8 UNITED STATES OF AMERICA,)
9) Case No.: 2:18-cr-00015-RFB-VCF
Plaintiff,)
10) **GOVERNMENT'S MOTION TO**
v.) **DISMISS CRIMINAL INDICTMENT**
11) **PURSUANT TO FEDERAL RULE OF**
EVER ANTONIO ALVARADO) **CRIMINAL PROCEDURE 48(a)**
12 CORONADO,)
13)
Defendant.)

14 COMES NOW the United States of America, by and through DAYLE ELIESON, United States
15 Attorney, and SUSAN CUSHMAN, Assistant United States Attorney, and respectfully seeks leave of court
16 pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss without prejudice the Criminal Indictment
17 filed on January 17, 2018, (ECF # 12) as to defendant EVER ANTONIO ALVARADO-CORONADO in
18 the interest of justice. The following is alleged in support of this motion:

19 1) On January 17, 2018, a federal grand jury returned a single-count indictment
20 charging the defendant with Deported Alien Found Unlawfully in the United States in violation of 8 U.S.C
21 § 1326. (ECF # 12). The date of the alleged offense occurred on or about January 10, 2018.

22 2) On May 2, 2018, a federal grand jury returned a 21-count superseding indictment
in Case No. 2:18-cr-0095-APG-NJK charging ALVARADO-CORONADO and two codefendants with

1 Conspiracy to Distribute Methamphetamine in violation 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii);
2 Distribution of Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii); Felon in
3 Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2); Illegal Alien in Possession
4 of a Firearm in violation of 18 U.S.C. §§ 922(g)(5)(A); and Deported Alien Found Unlawfully in the United
5 States in violation of 8 U.S.C. § 1326. (ECF #23). ALVARADO-CORONADO is charged in Counts 6-
6 21 of the superseding indictment. In Count 21 ALVARADO- CORONADO is charged with Deported
7 Alien Found Unlawfully in the United States in violation of violation of 8 U.S.C § 1326. This is the same
8 offense that the defendant is charged with in Case No. 2:18-cr-0015-RFB. Therefore, the government
9 respectfully seeks leave of the court to dismiss the Criminal Indictment filed in 2:18-cr-00015-RFB.

10 3) The defendant is in custody on the captioned matter. There is also an ICE detainer.
11 (ECF #11)

12 4) In Case No. 2:18-cr-0095-APG-NJK the defendant should remain in custody.
13 Defendant's initial appearance and his arraignment and plea is scheduled for Wednesday, May 9, 2018, at
14 3:00 p.m.

15 DATED this 2nd day of May 2018.


16 Respectfully Submitted,

17 DAYLE ELIESON
United States Attorney

18 /s/ Susan Cushman
SUSAN CUSHMAN
Assistant United States Attorney

19 ORDER

20 IT IS SO ORDERED.

21 

RICHARD F. BOULWARE, II
United States District Judge

22 DATED: May 2, 2018.